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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 BARBARA HERPOLSHEIMER, as Special
Administratrix to the Estate of BERT WEAVER,
11
12 Plaintiff,

Case No.: 2:21-cv-00659-RFB-EJY

13 vs.

STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES
(Second Request)

14 MARQUIS COMPANIES I, INC., a Foreign
Corporation, dba MARQUIS PLAZA REGENCY
15 and/or MARQUIS PLAZA REGENCY POST
ACUTE REHAB and/or MARQUIS CARE AT
16 PLAZA REGENCY; DIRECT SUPPLY, INC., a
Foreign Corporation; INVACARE
17 CORPORATION, a Foreign Corporation; ROE
RETAILER; DOES I through X; and ROE
18 CORPORATIONS I through X, inclusive,
19
20 Defendants.

21 Plaintiff, BARBARA HERPOLSHEIMER, as Special Administratrix to the Estate of
22 BERT WEAVER (hereinafter "Plaintiff"), Defendant, MARQUIS COMPANIES I, INC.,
23 Defendant, INVACARE CORPORATION, and Defendant, DIRECT SUPPLY, INC., by and
24 through their respective counsel of record, do hereby stipulate to extend the expert disclosure
25 deadlines in the current scheduling order and discovery plan in this matter for a period of ten (10)
26 days for the reasons explained herein.
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Pursuant to Local Rule IA 6-1(a), the parties hereby state that this is the third such discovery extension requested in this matter.

DISCOVERY COMPLETED TO DATE PURSUANT TO LR 26-3(a)

- The parties conducted the FRCP 26(f) conference on June 25, 2021;
- The parties have served their FRCP 26(a) initial disclosures and continue to supplement the same;
- The parties have propounded and responded to written discovery;
- The parties conducted an inspection of the subject Hoyer lift on November 11, 2021;
- The deposition of Mark Rosen, M.D. was conducted on December 7, 2021;
- The deposition of Christopher Choi, M.D. was conducted on January 5, 2022;
- The hearing on Defendant, Marquis Companies I, Inc.'s Motion to Dismiss was held on January 11, 2022;
- The deposition of David Connolly was conducted on March 7, 2022;
- The deposition of Claudia Cortes was conducted on March 16, 2022;
- The deposition of Brenda Guterrez was conducted on March 16, 2022;
- The deposition of August Ackom was conducted on March 31, 2022;
- The parties are presently working on a confidentiality/protective order with regard to confidential documents that have been produced or may be produced.

DISCOVERY TO BE COMPLETED PURSUANT TO LR 26-3(b)

Discovery to be completed includes:

- Deposition of Defendant's FRCP 30(b)(6) witness(es);
- Deposition of additional Defendant Employees (as necessary);
- Additional depositions as needed;

- Additional written discovery (as necessary);
 - Disclosure of expert witnesses as well as the depositions of disclosed expert witnesses;
- and
- Other discovery as needed.

REASONS FOR EXTENSION PURSUANT TO LR 26-3(c)

The parties represent that good cause exists for the request pursuant to LR IA 6-1 and LR 26-4. The parties are not seeking an extension of the discovery deadline, but only the expert witness disclosure deadlines by ten (10) days to accommodate Plaintiff's expert's schedule. The parties have acted in good faith to request this extension and have no intent, nor reason, to delay the resolution of this matter.

NEW DISCOVERY DEADLINES PURSUANT TO LR 26-3(d)

	Current Deadline	New Deadline
Deadline for Plaintiff's Primary Product Liability Expert	May 23, 2022	June 3, 2022
Deadline for Plaintiff's remaining initial expert disclosures	June 21, 2022	July 3, 2022
Deadline for Defendants' initial expert disclosures	June 21, 2022	July 3, 2022
Deadline for rebuttal expert disclosures	July 21, 2022	August 1, 2022
Discovery cut-off	August 19, 2022	<i>To remain the same</i>
Deadline to file dispositive motions	September 20, 2022	<i>To remain the same</i>
Proposed Joint Pre-Trial Order	October 20, 2022	<i>To remain the same</i>

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If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties represent that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

Dated this 23rd day of May, 2022.

Dated this 23rd day May, 2022.

HENNESS & HAIGHT

BOWMAN AND BROOKE LLP

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/s/ CHARLES M. SEBY, ESQ.

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*INVACARE CORPORATION and DIRECT
SUPPLY, INC.*

Dated this 23rd day of May, 2022.

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IT IS SO ORDERED:


UNITED STATES MAGISTRATE

DATED: May 24, 2022